

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

LeAnne Feehan and John Feehan,

Case No. _____

Plaintiffs,

vs.

Wal-Mart Stores, Inc. d/b/a Walmart,

NOTICE OF REMOVAL

Defendant.

Defendant Wal-Mart Stores, Inc. d/b/a Walmart (“Walmart”), by and through its undersigned counsel, as and for its Notice of Removal of an action filed in the Tenth Judicial District Court, Washington County, Minnesota to the United States District Court, District of Minnesota, states:

REMOVAL IS TIMELY

1. On September 25, 2015, through service of a Summons and Complaint, Plaintiffs LeAnne Feehan and John Feehan (“Plaintiffs”) commenced an action against Walmart in the Tenth Judicial District Court, Washington County, Minnesota. A true and correct copy of the Summons and Complaint is attached as Exhibit 1.

2. This Notice of Removal is therefore timely pursuant to 28 U.S.C. § 1446(b) because it is filed within thirty (30) days of the date that Walmart was served with the Summons and Complaint.

REMOVAL IS PROPER BASED ON DIVERSITY JURISDICTION

The Amount in Controversy Exceeds \$75,000

3. In the Complaint, Plaintiffs seek “judgment against Defendant in the amount of \$75,000” in addition to other monetary relief including costs and disbursements. (Ex. 1, Compl., p. 3.)

The State Court Action Is Between Citizens of Different States

4. Plaintiffs are Minnesota residents. (Ex. 1, Compl., ¶ 1.)
5. Wal-Mart is a Delaware corporation with its principal place of business located in Arkansas.

Diversity Jurisdiction Exists

6. As set forth in Paragraphs 4 and 5 above, this Court has diversity jurisdiction over Plaintiffs’ claims pursuant to 28 U.S.C. § 1332, and the action that Plaintiffs filed in State Court is properly removable under 28 U.S.C. § 1441.

DEFENDANT WALMART HAS COMPLIED WITH THE REMOVAL PROCEDURES

7. As required by 28 U.S.C. § 1446(a), Walmart has attached as Exhibit 1 to this Notice of Removal a copy of all process, pleadings and orders served upon it relating to the State Court action.

8. As required by 28 U.S.C. § 1446(d), a copy of this Notice of Removal will be served upon Plaintiffs, by and through its counsel of record, and with the Clerk of the Tenth Judicial District Court, Washington County, Minnesota, the

State Court under which Plaintiffs initially commenced an action against Walmart.

DEFENDANT WALMART PRESERVES ALL DEFENSES

9. Walmart's Answer or other response to the Complaint was not due prior to filing this Notice of Removal. By filing this Notice of Removal, Walmart does not waive any defense or counterclaim that may be available to it including jurisdictional defenses. As required under Fed. R. Civ. P. 81(c)(2), Walmart will respond to the Complaint within the time set forth therein, unless an extension of the deadline is properly obtained pursuant this Court's approval.

WHEREFORE, Walmart respectfully removes the above-referenced cause of action from the Tenth Judicial District Court, Washington County, Minnesota to the United States District Court of Minnesota, submits that no further proceedings be had in Minnesota State Court, and requests such other and further relief as is necessary and proper.

Dated: October 14, 2015

s/ Angela Beranek Brandt

Angela Beranek Brandt (#0293143)

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